

**BDAC Ecosystem Roundtable Meeting
30 April 1997**

Attendee List

Roundtable Members

Gary Bobker (*Bay Institute*)
Nat Bingham (*PCF Fishermens Assocs.*)
Greg Gartrell (*Contra Costa W.D.*)
Jackie McCort (*Sierra Club*)
John Mills (*Reg. Council of Rural Counties*)
Jason Peltier (*CVPWA*)

Tim Quinn (*MWD*)
Allen Short (*Modesto Irrigat. Dist.*)
David Yargas (*Environ. Def. Fund*)
Walt Wadlow (*Santa Clara Valley W.D.*)
Tom Zuckerman

Other Participants

Anthony Barrett (*SEWD*)
Jeff Bensch (*Tetra Tech*)
Dan Craig (*Forest Service*)
Bill Crooks (*City of Sac.*)
Cindy Darling (*CALFED*)
Martha Davis (*Sierra Nevada Allilance*)
Greg DeYoung (*Wildlands, Inc.*)
Jean Elder (*USFWS/CALFED*)
Michael Gutterres (*City of Stockton*)
Kate Hansel (*CALFED*)
Diane Hinson (*Stockton-Muni. Util.*)
Steve Hirsch (*MWDSC*)
Buford Holt (*BOR*)
Jeff Jaraczski (*NCWA*)
Brenda Johnson (*U.C. Davis*)
Marti Kie (*DFG-RGJV*)
John Kopchik (*Contra Costa Water Agency*)
Walter Kornichuk (*DOI-S.F.*)
Jordan Lang (*CALFED*)
Alice Low (*CH2MHill*)

Roger Masuda (*Turlock I.D.*)
Joel Medlin (*USFWS*)
Jim Moore (*HYA Consulting*)
Earl Nelson (*Western Area Power Admin.*)
Fernando Paludi (*MUD*)
Jeff Phipps (*CVPIA Roundtable*)
Bob Raab (*BDAC*)
Arnold Rummelsburg (*WSD*)
John Sanders (*DPR*)
Wayne Sawka (*Ewing Group*)
Nancy Schaefer (*SF Bay Joint Venture*)
Karen Schwinn (*U.S. EPA*)
Mary Selkirk (*BDAC*)
Pat Sheeh (*McLaren/Hart*)
Tom Suchanek (*DES-UCD*)
Audrey Tennis (*CA Water Comm.*)
Doug Wallace (*EBMUD*)
Scott Wilcox (*CALFED*)
John Winther (*Delta Wetlands*)
Kevin Wolf (*Stanislaus Stakeholders*)

Action Items and Decisions

1. The RFP and project selection criteria will continue to be refined by staff, incorporating comments from the meeting.
2. Only a single public conference is planned after RFP distribution, due to constraints imposed by State contracting law.
3. Roundtable members need to be clear about the legal implications of their Roundtable participation with regard to conflict of interest constraints on applying for funds under the upcoming RFP. The Roundtable members will be sent a copy of the letter that went to BDAC members regarding their conflict of interest position.
4. The seven proposal evaluation criteria will be weighted equally during the evaluation process.
5. Documentation of the role of the selection panel and the selection process for panel candidates will be prepared by CALFED staff for the Roundtable's review.
6. Roundtable members should come to the next meeting prepared to discuss and resolve any policy issues represented by the example restoration actions in the RFP package.
7. CALFED staff will provide a short list of potential policy related issues represented by the example restoration actions. A title and brief description of the example restoration action section of the RFP package will be developed by staff.
8. Discussion of issues related to hatcheries, reintroduction of anadromous fish above major dams, and conflicts between channel meander and other restoration projects will be continued at the next meeting.

Future meetings of Roundtable are as follows:

Friday, May 9, 9:30 a.m.- 4:30 p.m.

Friday, June 13, 9:30 a.m.-12:30 p.m.

Friday, July 11

Friday, August 8

Draft Meeting Notes

Jason Peltier began the meeting at 1:10 with introductions. Jason will chair the meetings until such time as he wins a coin toss with Greg Gartrell.

The status of the planning processes for the Ecosystem Roundtable was reviewed by Cindy Darling. All the technical teams have met, and the RFP and associated work plan are in development. Cindy reviewed the new RFP schedule (attached), which calls for completion of the RFP by May 19. The components of the RFP include the following.

1. Information Package
2. Project Selection Criteria
3. Stressors and Actions
4. Application Format

The information package will describe what is in the program, who can apply, how they can apply, what the timing of the process is, how proposals will be evaluated, and other information as necessary. The project selection criteria will include the specific criteria being used to score the proposals, and a description of the scoring system. The stressors and actions component of the RFP will include the following.

- The description of stressors that need to be addressed for the benefit of priority species and habitats, as well as the technical priority assigned to each of the stressors.
- A general description of the types of actions that can be taken to address each stressor, as well as examples.
- Information indicating that a proposal that addressees a stressor but is not specifically targeted at an action identified by the technical teams will be evaluated along with all other proposals.

The application format component of the RFP will specify all the necessary information for proposal review, and how it should be organized.

Cindy reviewed the draft outline for the RFP (Attachment 3, page 7 of the meeting packet). The following comments on selected sections were made by members of the Roundtable and other participants.

II. Background Information

- A few editorial comments about this section were made, including a revision to the language stating that the Category III Steering Committee has been “replaced” by the CALFED program.
- A brief summary of the Ecosystem Restoration Program Plan (ERPP) should be included in the background information, or at least a contact should be identified for where the information can be obtained.
- The applicants do not need to be familiar with all aspects of the ERPP program in order to apply for funds under the RFP.

III. Objectives of the Program

- There needs to be a statement of what the objective of the RFP is.

IV. Funding Available

- A specific cost range for projects does not need to be included in the RFP. However, the overall availability of funds should be cited, along with reference to future funding possibilities.
- Care should be taken in characterizing the amount of any pending Federal funding.
- There should be a reference included to previous Category III funded projects.
- Funding currently available includes \$60 million in Proposition 204 funds, \$1 million in FY 97 EPA funds, and possibly a contribution of \$10 million from Metropolitan Water District.
- Funds from other parts of Proposition 204, such as the State Water Resource Control Board funds, may be available. The SWRCB program is not on the same timeline as the Ecosystem Roundtable and there will not be a joint RFP, but some coordination is ongoing with their efforts.
- Funding is available for phased proposals. Planning efforts related to these proposals could be funded, but establishment of a trust fund for future work may not be appropriate.

VI. Who May Apply

- There needs to be a broad statement about the widest range of groups or individuals who can apply, then specific examples can be cited. State and federal agency groups need to be included in the list, as well as the various nonprofit organizations, private groups, special districts, local governments, and other entities that have already been identified.
- It should be noted that all applicants, including state and federal agencies, will submit proposals which will be subject to the same criteria and use the same decision making process.

VII. Geographic Scope

- The geographic scope for the RFP needs to be clearly identified. A map would be useful to do this.

VIII. Stages of Projects for Which Funding is Available

- There needs to be a statement that continued funding of a phased project will be contingent upon 1) evidence of suitable progress in earlier phases, and 2) availability of funds.
- There needs to be clarification regarding any overhead funding ceilings as they apply to the applicants.
- Research should be included in the list of the project stages for which funding is available.
- There needs to be clarification of whether the 3% ceiling for overhead in Proposition 204 applies to the applicants.

IX. Review and Selection Process

- There was discussion of the purpose of the "conceptual proposal" idea. There is some concern with this conceptual option, but it was recognized that there needs to be a short form proposal

option for various grassroots groups and others for whom the project proposal is not yet developed in detail. This format will provide equal opportunities for all types of applicants in the first stage of proposal evaluation, and allows review prior to preparation of a full proposal.

- It was suggested that some wording changes be made in this section in order to reflect the full breadth of projects that have been discussed during Roundtable and technical team meetings.
- Clarify the review time frame for both conceptual and full proposals.

X. Schedule

Kate Hansel reviewed the current schedule (specifically the plan for a public conference after the RFP is issued), and noted that Proposition 204 does not authorize a grant process for funding, so the default arrangement is that the proposals fall under State contracting law provisions. The result of this development is that there can be less public outreach for proposals due to the contract law requirement that precisely the same information (including answers to questions) be provided to all parties once the RFP has been distributed. As a result, there will be fewer opportunities for public outreach meetings after the RFP is mailed.

In order to minimize the negative effect of this development, Kate will be making an effort to communicate and publicize the RFP opportunities to as many groups as possible prior to the distribution of the RFP. There will then be only one public meeting for interested parties in order to clarify any questions with regard to the RFP and provide additional information, in order to minimize the potential for disparity in the distribution of information to potential applicants.

Comments on the public conference portion of the schedule included the following.

- What is the purpose for the public conference?
- The public conference will involve a workshop in Sacramento at the end of May or beginning of June, and staff is conducting outreach at other meetings and workshops prior to release of the RFP.
- The issue of how to address public outreach should be revisited prior to the next funding cycle, and creative alternatives to the constraints of State contracting law should be investigated.

XI. Matching Funds

- Matching fund availability is a criteria to be used for proposal evaluation, but is not a requirement for funding.

XII. Conflict of Interest

Mary Scoonover from the Attorney General's office provided additional review of the conflict of interest provisions. The conflict of interest provisions preclude members of the Ecosystem

Roundtable and BDAC from applying for funds because Government Code Section 1090 applies to the current process. The Ecosystem Roundtable is an advisory body to the CALFED funding authority, therefore it falls under the jurisdiction of this code. Round table members cannot “sit out” discussions on items where there may be a conflict of interest, therefore the Roundtable members need to be clear about the implications of this provision.

The language under this subsection of the RFP package will be revised. Information has been previously distributed to Round table members on conflict of interest provisions and if any member needs another copy, they can request that CALFED staff send them a copy. The Roundtable members will be sent a copy of the letter that went to BDAC members regarding their conflict of interest position. If Roundtable members feel that they have a potential conflict of interest, the details of this situation will be reviewed on a case by case basis and they should call Ken Williams or Mary Scoonover at the Attorney General’s office to discuss the situation.

XIII. Funding Mechanism

Comments related to the funding mechanism included the following.

- When will funds be available for disbursement? What will be the payment provisions?
- Can the applicant begin work prior to the executed contract, at their own risk?

XV. Contract Requirements

Comments related to contract requirements included the following.

- Any requirements regarding prevailing wages and competitive bidding requirements should be clarified.
- A question was raised regarding the proposals being part of the public record, and if so should they be widely distributed or should electronic copy be requested as an option.
- There needs to be a provision for proprietary information that may be included in the proposals.

PROJECT SELECTION CRITERIA

Kate Hansel reviewed Attachment 4, beginning on page 11 of the meeting packet regarding criteria for evaluation of proposals. Discussion of the eligibility requirements included the following items.

- The operations and maintenance funding contingency needs to have additional investigation and legal review. There may be other funding sources that can address this need. The responsibility for O & M can be directed to the applicant.
- There needs to be an explicit statement about O & M funding allowances.

- Adaptive management needs to be cited as a criteria for the proposals.
- An additional type of proposal needs to be added regarding analytical tools and database related restoration actions. These include a central data repository for monitoring information from each of the projects.
- Restoration actions should be separated from land acquisition in the list of types of proposals.

Discussion regarding the minimum requirement criteria included the following comments.

- The willing seller criterion should be kept. There is some additional refinement of land acquisition criteria that will need to be developed related to a "block grant" approach to receiving funds.
- The monitoring criteria issue should be expanded in order to cite the requirement that the data be made widely available.
- The definition of "local involvement" needs to be clarified and separated from the cost-sharing criteria.

CRITERIA FOR PROPOSAL EVALUATION

A review panel will be established that includes individuals with different areas of expertise who come from various agency or stakeholder groups. The composition of the review panel will be determined at a later date, and will be reviewed by the Ecosystem Roundtable.

Ranking of proposals is proposed on a point scale, giving equal weight to each of the seven criteria listed on pages 12 to 14 of the meeting packet. Based on experience with other selection processes, it was decided that weighting the criteria differently would involve too much subjectivity and would require too much time to achieve consensus on the different weighting factors.

Documentation of the role of the selection panel and the selection process for panel candidates will be prepared by CALFED staff for the Roundtable's review.

STRESSOR TERMS AND CATEGORIES

Cindy Darling reviewed the stressor terms developed by the technical teams and umbrella team, and explained the process followed to date. The relative ranking of the various stressors (using the updated stressor terms list distributed at the meeting) was reviewed and explained. The ranking for the stressors is related to biological effectiveness and is intended to guide project applicants toward the most important types of actions. The various stressors were identified and ranked without regard to the potential funding source.

It was commented that the stressor ranking should be made consistent with the RFP criteria. This issue will be revisited during the Roundtable meeting on May 9.

RESTORATION ACTIONS

Cindy Darling reviewed the example restoration action list that was recently updated and distributed during the Roundtable meeting. She noted that the actions listed in this document are being refined in order to lump similar types of actions together, and drop any actions which the Roundtable or CALFED feels are inappropriate due to policy considerations. Actions on the draft list distributed at the meeting are a compilation of all the types of activities identified by the technical teams and so include actions that are not suitable for funding under Category III, that are not necessarily consistent with the ERPP, and which may not be included for policy reasons. This action list is a "virtual pool" which will include some items that the Roundtable will not want to support at this time. A revised list of actions that the Roundtable supports for Category III funding for this cycle will be generated. At the next Roundtable meeting, Roundtable members should come prepared to refine this list in order to provide guidance to potential applicants for funds. This action list is a "living document" that will be adapted over time to serve as a source of potential restoration actions for a variety of programs and funding cycles.

CALFED staff will attempt to identify a short list of policy issues that are represented in this list of example restoration actions. The Roundtable will discuss these at the meeting on May 9 and resolve how to address them. This method is preferable to the entire Roundtable going through a line by line assessment of each of the example restoration actions, which is not necessary or desirable. Staff will provide a title and brief description of the restoration action list for the Roundtable in preparation for the next meeting.

SUMMARY OF POLICY ISSUES

Policy issues need to be resolved prior to distribution of example restoration actions to the public during the RFP process. If an example restoration action is included in the distribution to the public, then a credible proposal addressing the action must be seriously considered by the selection panel. Any potential restoration actions that the Roundtable would not want seriously considered due to policy considerations need to be deleted from the example restoration action list.

Cindy Darling cited several policy issues which have already been identified during the development of the workplan and RFP. These issues are identified and discussed in Attachment 6 of the meeting packet, pages 12 and 13.

The first issue related to the role of hatcheries and the near term restoration funding process. It was a staff recommendation that actions related to increased artificial production not be included in the upcoming RFP, since there is a separate CDFG planning budget for some of these actions and it is not clear how this issue will be dealt with in the ERPP at this point. Subsequent discussion by the Roundtable included the possibility of separating gene pool related concerns and conflicts about hatchery production from the other types of hatchery actions. It was also

suggested that perhaps any hatchery related actions could be constrained to winter run chinook salmon only. Further discussion of this policy issue will occur at the next meeting.

The second policy issue related to the reintroduction of anadromous fish above major reservoirs. A question was raised as to whether these types of feasibility studies should be considered at this point and whether they should be cited as example restoration actions. It was noted that as much as 90+% of the habitat of anadromous species is above existing reservoirs in some cases, and areas with this much habitat potential may need to be considered for potential restoration actions even if the feasibility of potential actions is doubtful. There was some support for including these types of feasibility evaluations in the list of example actions for this funding cycle. Other comments related to this issue included the following.

- Are the hatchery related actions consistent with the technical team recommendations?
- Reintroduction of anadromous fish above Shasta Dam has various pros and cons. One of the pros is that it may be feasible, and could bring very large benefits, particularly due to the large amount of habitat available in the Pit River drainage. A con is that it may distract bidders from more "sure fire" restoration actions that could be addressed below the dam.
- The selection criteria could be used to screen these types of proposals, rather than making a policy level decision about whether to consider them or not.
- A fall-back plan may be to use the hatcheries if introduction of anadromous fish above the major dams is not feasible.
- This may one of the highly innovative ideas that the Roundtable is trying to encourage. This discussion will be continued at the next Roundtable meeting.

A third policy issue is related to potential conflicts between channel meander and other restoration projects. Discussion of this item was deferred to the next meeting.

CVPIA UPDATE

Jeff Phipps gave a brief update on the CVPIA program. They are trying to coordinate the FY98 planning for CVPIA with the CALFED 1997 RFP process currently underway, so that one program can consider funding of items that the other program does not address. Data management and monitoring programs discussed by the umbrella team at the recent meeting need to be coordinated between the CVPIA and CALFED programs.

RESTORATION RESERVE

Several proposals that relate to flood related actions are expected to fall under the restoration reserve category for immediate funding consideration. A new handout was distributed at the meeting (attached) regarding draft restoration reserve criteria for such proposals. There were continued concerns expressed by the Roundtable regarding the need for public review of these restoration reserve project proposals. Although public review of the project proposals is planned,

there is a possibility that certain fast track actions would be approved by CALFED without prior review by Roundtable members due to time constraints. If this occurred, then the item would be placed on the next Round table agenda. It was suggested that the umbrella technical team could be another way to insure a broader and faster review of actions proposed under the restoration reserve category. However, CALFED clearly has decided that they will retain the ability to fund projects of opportunity with the restoration reserve funds prior to a review of the project by the Round table.

Roundtable members expressed additional concerns about a related lack of coordination and information exchange with the Governor's Flood Emergency Action Team (FEAT). There could be an overview of FEAT projects at the Roundtable meetings to enhance coordination between FEAT and the Roundtable.

PUBLIC COMMENT

The only public comment was that Cindy Darling and Kate Hansel are doing a great job in pulling all the materials together for the workplan and RFP!